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APR 08 2004

In re Application of
Kohama, et al.
Application No. 10/705,497
Filed: November 12, 2003
Attorney Docket No. 113931.01
For: SCANNING DEVICE AND
METHOD INCLUDING ELECTRIC
CHARGE MOVEMENT

OFFICE OF PETITIONS

DECISION ON
PETITION

This is a decision on the petition, filed February 19, 2004, requesting that Figure 24 be accorded a filing date of November 12, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was filed on November 12, 2003. On February 11, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (Notice) informing petitioners that Figure 24, as described in the specification, appeared to have been omitted.

Petitioners request that Figure 24 be accorded a filing date of November 12, 2003 on the basis that 40 sheets of drawing figures, including Figure 24, were received in the Patent and Trademark Office (PTO) on November 12, 2003. In support, the instant petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing November 12, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 40 sheets of formal drawings.

The return postcard constitutes *prima facie* evidence that 40 sheets of formal drawing figures were filed on November 12, 2003. MPEP 503. A review of the application file reveals that there are 39 sheets of drawing figures present.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. Pursuant to petitioners' authorization, deposit account no. 15-0461 will be credited the \$130.00 petition fee submitted on February 19, 2004.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **November 12, 2003**, using the copy of Figure 24 submitted with the instant petition. Office records will be corrected to show that 40 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.



E. Shirene Willis
Senior Petitions Attorney
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